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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 7879

Patrick Warner et al.

Group Art Unit: 3764

Application No. 09/803,630

Examiner: Stephen R. Crow

Filed: 09 March 2001

For: FREE WHEEL CLUTCH MECHANISM FOR BICYCLE DRIVE TRAIN

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Owner of Record: Nautilus, Inc.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This terminal disclaimer is in response to the Office Action in the above-referenced application dated 07 October 2003, in which the Office Action stated that a terminal disclaimer would overcome the non-statutory double patenting rejection of claims 32-40 over claims 1-73 of U.S. patent No. 6,557,679, and claims 1-14 of U.S. patent No. 5,961,424. In addition, claims 32-40 are provisionally rejected over claims in copending U.S. application No. 10/093,326. A Terminal Disclaimer follows:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,557,679 and 5,961,424, and in copending U.S. application No. 10/093,326. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents and copending

application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents and the copending application, as presently shortened by any terminal disclaimer, in the event that either patent or a patent issuing from the copending application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A check in the amount of \$710.00 for the Terminal Disclaimer under 37 C.F.R. § 1.20(d), two month extension of time under 37 C.F.R. § 1.136(a), and Information Disclosure Statement pursuant to 37 C.F.R. § 1.97(c)(2) is enclosed. Any deficiencies in the fees may be charged to Deposit Account 04-1415.

The PTO suggested wording for terminal disclaimer was unchanged.

The undersigned is an attorney of record.

Respectfully submitted,

Date: 8 March 2004



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